

SENATE FILE NO. SF0010

Education Administration-1.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to government administration; eliminating
 2 the position of a director of the department of education;
 3 transferring specified duties to the state superintendent
 4 in accordance with Powers v. State, 2014 WY 15, 318 P.3d
 5 300 (Wyo. 2014) and Powers v. State, No. 180-673 (1st Jud.
 6 Dist. Ct. Apr. 18, 2014); accordingly conforming law;
 7 specifying application; and providing for an effective
 8 date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 9-1-513(b)(i) and (c), 21-2-104,
 13 21-2-105, 21-2-201(a), 21-2-202(a)(intro), (i), (ix), (x),
 14 (xix)(intro), (H), (xx), (xxx) and (b) through (e),
 15 21-2-203(a), (c)(intro), (iv), (viii), (d)(intro) and
 16 (e)(ii)(intro), 21-2-204(c)(vii), (f)(intro), (iv) through

1 (viii) and (j), 21-2-301(c), 21-2-304(a)(i), (v)(intro),
 2 (vi), (b)(ii) and (xvii), 21-2-306, 21-2-502(a),
 3 21-2-701(a)(ii), 21-2-703(a)(intro), (b)(iii) and (c),
 4 21-2-802(m), 21-3-110(a)(i), (v), (xxii), (xxviii), (xxix)
 5 and (xxxi)(intro), 21-3-117(a)(i) and (ii),
 6 21-3-314(a)(intro), 21-3-401(d), 21-4-401(b), 21-4-601(b)
 7 and (d), 21-6-219, 21-13-101(a)(xiv), 21-13-102(e),
 8 21-13-306(b), 21-13-307(a)(ii)(B), (iii), (iv) and (b),
 9 21-13-309(m)(intro), (v)(intro) and (B)(III), 21-13-310(b),
 10 21-13-312(a)(intro) and (i), 21-13-313(a) through (c) and
 11 (g), 21-15-113(a)(intro), 21-17-201, 21-18-201(c) and
 12 31-5-118(a) are amended to read:

13

14 **9-1-513. School finance audits and management**
 15 **studies.**

16

17 (b) The school finance section within the department
 18 established under subsection (a) of this section shall:

19

20 (i) Conduct periodic audits of each school
 21 district pertaining to data required to be submitted to the
 22 department of education under law and by rule and
 23 regulation of the ~~director of the department of education~~

1 state superintendent of public instruction for purposes of
2 implementing and operating the "school finance system" as
3 defined under W.S. 21-2-203(a). Audits under this paragraph
4 shall include audits of systems supporting data collection
5 and shall be performed on each school district at least
6 once within each three (3) year period;

7
8 (c) School districts and the department of education
9 shall provide access to all data and other information and
10 shall cooperate with the school finance section as
11 necessary to implement this section and to conduct audits
12 and reports required under this section. In addition, each
13 district shall within thirty (30) days following receipt of
14 a copy of the audit or report, file a written response to
15 each audit or report conducted on that district with the
16 department. The ~~director~~ state superintendent shall on
17 behalf of the department of education and within thirty
18 (30) days following receipt of a report or audit on the
19 department, file a written response to the report with the
20 department of audit.

21

22 **21-2-104. State department of education established;**
23 **personnel; facilities.**

1

2 There shall be a separate and distinct state department
 3 designated as the state department of education which shall
 4 be under the supervision of the ~~director~~state
 5 superintendent and consist of the ~~director~~state
 6 superintendent and such divisions, staffed by personnel and
 7 provided with facilities the ~~director~~state superintendent
 8 determines necessary to assist him in the proper and
 9 efficient discharge of his respective duties. ~~as approved~~
 10 ~~by the governor. The director shall serve as the chief~~
 11 ~~administrative officer of the department. All duties of~~
 12 ~~the state department of education shall be under the~~
 13 ~~control of the director.~~

14

15 **21-2-105. Delegation of duties of state**
 16 **superintendent.**

17

18 The ~~director~~state superintendent may delegate ministerial
 19 and nondiscretionary duties within the ~~state~~ department of
 20 education.

21

22

ARTICLE 2

1 SUPERINTENDENT OF PUBLIC INSTRUCTION AND DEPARTMENT OF
2 EDUCATION

3
4 **21-2-201. General supervision of public schools**
5 **entrusted to state superintendent.**

6
7 (a) The general supervision of the public schools
8 shall be entrusted to the state superintendent ~~as~~
9 ~~prescribed by law~~ who shall be the administrative head and
10 chief executive officer of the department of education.

11
12 **21-2-202. Duties of the state superintendent.**

13
14 (a) In addition to any other duties assigned by law,
15 the ~~director~~ state superintendent shall:

16
17 (i) Make rules and regulations, consistent with
18 this code, as may be necessary or desirable for the proper
19 and effective administration of the state educational
20 system and the statewide education accountability system
21 pursuant to W.S. 21-2-204. Nothing in this section shall be
22 construed to give the ~~director~~ state superintendent

1 rulemaking power in any area specifically ~~delegated~~
2 entrusted to the state board; ~~or the state superintendent;~~

3
4 (ix) Print and distribute to local boards of
5 trustees, local school administrators and other persons and
6 agencies within or without the state the school laws,
7 regulations, forms, necessary reports of the state board,
8 state committee, state superintendent, ~~the director~~ and
9 state department. The ~~director~~ state superintendent may
10 require the payment of reasonable costs of publication,
11 handling and postage by persons or agencies outside the
12 state requesting publications and shall deposit all
13 payments into the general fund;

14
15 (x) Promulgate rules for the acceptance and
16 disbursement of federal funds apportioned to the state for
17 school lunch, milk and other commodities distribution
18 programs. For purposes of these programs, the ~~director~~
19 state superintendent may enter into agreements, employ
20 personnel, direct disbursement of funds in accordance with
21 federal law to be used by districts to operate the programs
22 along with funds from gifts and the sale of school lunches
23 or other commodities, assist in the training of personnel

1 in the programs and accept gifts in connection with the
2 programs. Districts shall maintain records and report to
3 the ~~director~~ state superintendent in accordance with rules
4 promulgated under this paragraph, but accounts and records
5 need not be preserved more than five (5) years. The
6 ~~director~~ state superintendent shall audit and conduct
7 reviews and inspections of accounts, records and operations
8 of programs to ensure effective administration and
9 compliance with applicable law and rules. To the extent
10 funds are available, the ~~director~~ state superintendent
11 shall conduct studies to determine methods to improve and
12 expand school lunch programs and to promote nutritional
13 education in the schools, including appraising nutritive
14 benefits of school lunch programs. For school lunch
15 program funds, the ~~director~~ state superintendent shall
16 utilize a revolving account with a balance of at least five
17 thousand dollars (\$5,000.00) to cover any operating
18 expenditures incurred by the school lunch division of the
19 department under 7 U.S.C. section 1431, the United States
20 department of agriculture commodity program offered to the
21 state and accepted by the participating schools and
22 institutions. The schools and institutions shall be billed
23 for their share pro rata of transportation and allied

1 charges with the receipts to be used in replenishing the
2 revolving account. If the United States department of
3 agriculture removes all commodities from this program, the
4 revolving account shall be discontinued and the balance
5 shall be transferred to the general fund;

6

7 (xix) Serve as ~~the director of~~ the state agency
8 to accept all federal funds for aid to education, except as
9 provided in W.S. 21-2-307 and 21-2-601, and as the agency
10 to administer or supervise the administration of any state
11 plan established or federal funds subject to federal
12 requirements. Each acceptance is restricted in its effect
13 to the specific situation involved. The ~~director~~ state
14 superintendent may:

15

16 (H) Take any other action as may be
17 necessary to secure the benefits of the federal statute to
18 the schools of this state. Nothing in this paragraph shall
19 be construed as conferring any authority to the ~~director~~
20 state superintendent with respect to the University of
21 Wyoming or the various community colleges of the state; ~~;~~

22

1 (xx) In cooperation with the state board, the
2 Wyoming community college commission, University of
3 Wyoming, public service commission, department of
4 transportation, department of enterprise technology
5 services, public libraries, school district boards of
6 trustees, classroom teachers and other appropriate groups
7 identified by the ~~director~~superintendent, develop and
8 implement a statewide education technology plan which shall
9 address staff training, curriculum integration and network
10 connectivity in and between schools, communities and
11 between the state and the world, and which shall have as
12 its goal the provision of equal access to educational
13 instruction and information. The statewide technology
14 education plan may include telecommunications services
15 provided by the department of enterprise technology
16 services pursuant to W.S. 9-2-2906(g). Not later than
17 January 10 of each year and with the assistance of
18 participating agencies, an annual report on the status of
19 the statewide education technology plan shall be prepared
20 and issued by the ~~director~~state superintendent;

21

22 (xxx) Effective school year 2012-2013 and each
23 school year thereafter, in consultation and coordination

1 with local school districts, by rule and regulation
2 establish a program of administering a standardized,
3 curriculum based, achievement college entrance examination,
4 computer-adaptive college placement assessment and a job
5 skills assessment test selected by the ~~director~~state
6 superintendent to all students in the eleventh and twelfth
7 grades throughout the state in accordance with this
8 paragraph. The examinations and tests selected by the
9 ~~director~~state superintendent shall be administered
10 throughout the United States and shall be relied upon by
11 institutions of higher education. The college entrance
12 examination shall at a minimum test in the areas of
13 English, reading, writing, mathematics and science for all
14 students in grade eleven (11). The jobs skills assessment
15 test shall be optional for all students in grade eleven
16 (11) and shall at a minimum test in the areas of applied
17 math, reading for information and locating information.
18 The ~~director~~state superintendent shall pay all costs
19 associated with administering the college entrance
20 examination, the computer-adaptive college placement
21 assessment and the jobs skills assessment test and shall
22 schedule a day during which examinations shall be provided.
23 The date for administration of the college entrance

1 examination in grade eleven (11) shall be selected so that
2 following receipt of scores, students may timely register
3 for senior year classes which may be necessary to allow the
4 student to qualify for a state provided scholarship. The
5 computer adaptive college placement assessment shall be
6 optional and all students in grade twelve (12) shall be
7 provided at least one (1) opportunity to take the
8 assessment during the school year. The ~~director~~state
9 superintendent may enter into agreements with an
10 administrator of the college entrance examination and the
11 computer-adaptive college placement assessment and an
12 administrator of the jobs skills assessment test and adopt
13 rules as necessary to ensure compliance with any
14 requirements of an administrator, such as a secure
15 environment. Waivers may be granted for the examinations
16 and tests required by this paragraph for students with
17 disabilities in accordance with the provisions of the
18 federal No Child Left Behind Act of 2001 and the federal
19 Individuals with Disabilities Education Act. Alternate
20 assessments and accommodations shall be offered by the
21 ~~director~~state superintendent in accordance with rule and
22 regulation;

23

1 (b) The ~~director~~ state superintendent shall designate
2 an employee of the department of education to serve as
3 liaison to the state board ~~and the state superintendent~~
4 through which requests for staff assistance shall be
5 directed. ~~The state department of education shall provide~~
6 ~~information or data requested by the state board that is~~
7 ~~necessary to perform duties under W.S. 21-2-304.~~

8
9 (c) In addition to subsection (a) of this section,
10 the ~~director~~ state superintendent may take appropriate
11 administrative action with the state board as necessary,
12 including but not limited to the changing of accreditation
13 status, against any school district or state institution
14 failing to comply with any applicable law or with the
15 uniform educational program standards specified under W.S.
16 21-9-101 and 21-9-102 and the student content and
17 performance standards prescribed by the state board.

18
19 (d) Any school district aggrieved by an act of the
20 ~~director~~ state superintendent may seek review in accordance
21 with the Wyoming Administrative Procedure Act.

22

1 (e) In addition to paragraph (a)(i) of this section,
2 the ~~director~~state superintendent shall promulgate rules
3 and regulations governing the administration of the Wyoming
4 education resource block grant model adopted by the Wyoming
5 legislature as defined under W.S. 21-13-309, and governing
6 the operation of the model in determining school district
7 foundation program payments in accordance with chapter 13,
8 article 3 of this title and other applicable law. The
9 block grant model, as defined under W.S. 21-13-101(a)(xiv)
10 and as maintained under this subsection, shall be made
11 available for public inspection by the ~~director~~state
12 superintendent in electronic format. Copies of the block
13 grant model spreadsheets as administered under department
14 rule and regulation shall be provided to school districts
15 by the ~~director~~state superintendent for district use in
16 district budgeting and in complying with mandatory
17 financial reporting requirements imposed under W.S.
18 21-13-307(b) and by other provisions of law. To maintain
19 the integrity of the block grant model, copies of the model
20 and model spreadsheets made available under this subsection
21 for public inspection and school district use shall be by
22 protected version only, prohibiting the editing of model
23 components, model data and model formulas. Following

1 adoption of any recalibration of or modification to the
2 block grant model by the Wyoming legislature, and prior to
3 computing the foundation program amount for each school
4 district under W.S. 21-13-309(p) and determining the amount
5 to be distributed to a district under W.S. 21-13-311 or
6 recaptured from a district subject to W.S. 21-13-102(b),
7 the ~~director~~state superintendent shall certify to the
8 legislature that the block grant model as enacted by the
9 legislature is properly incorporated into the
10 administration of the model for the appropriate school year
11 of model application and is made available for public
12 inspection. Technical corrections to model spreadsheets
13 necessary for model administration between any session of
14 the legislature shall be implemented by the ~~director~~state
15 superintendent, shall be in accordance with procedures
16 specified by rule and regulation filed with the secretary
17 of state, shall be reported to the legislature together
18 with the associated fiscal and technical impact of the
19 correction, and shall be incorporated into the electronic
20 version of the model available for public inspection. As
21 used in this subsection, "technical corrections to model
22 spreadsheets" means corrections necessary to ensure model
23 operation and current school year district payments are in

1 accordance with law and the model is properly computing
2 school foundation program payments to school districts as
3 required by law. Notwithstanding W.S. 16-3-114(c), no
4 judicial review of rules promulgated and adopted under this
5 subsection shall hold unlawful or set aside action of the
6 ~~director~~state superintendent in promulgating or adopting
7 rules unless the rules are by clear and convincing
8 evidence, shown to exceed statutory authority.

9

10 **21-2-203. School district data collection and funding**
11 **model administration; duties and responsibilities**
12 **specified; data advisory committee; school district**
13 **compliance.**

14

15 (a) The department shall collect data for the state's
16 school finance system and in accordance with rule and
17 regulation of the ~~director~~state superintendent, administer
18 the Wyoming education resource block grant model adopted by
19 the Wyoming legislature pursuant to W.S. 21-13-309. As used
20 in this section, "school finance system" means all statutes
21 related to the terms and conditions under which funds from
22 Wyoming sources are made available under Wyoming law to the
23 public schools for school operations. The school finance

1 system established following a 1995 Wyoming supreme court
2 decision, and subsequently modified and recalibrated as
3 required under W.S. 21-13-309(t), is extremely complex and
4 requires timely and accurate data to be administered fairly
5 and accurately. It is essential that a single entity be
6 established to ensure that fair and accurate administration
7 is accomplished.

8

9 (c) The duties of the department are, in accordance
10 with rules promulgated by the ~~director~~state
11 superintendent, to:

12

13 (iv) Recommend to the ~~director~~state
14 superintendent proposed rules to improve the accuracy and
15 reliability of data and the general efficiency of the
16 operation of the school finance system, including requiring
17 training for district personnel with respect to accounting
18 and reporting related to the administration of the school
19 finance system;

20

21 (viii) Assist the ~~director~~state superintendent
22 in implementing W.S. 21-13-309(m) (v) (D) and assist
23 districts with computations necessary for reporting student

1 career-vocational education participation and career-
2 vocational education instruction information;

3
4 (d) The ~~director~~state superintendent of public
5 instruction shall establish an advisory committee
6 consisting of not less than seven (7) members. This
7 advisory committee shall have representatives from among
8 Wyoming school districts, other state agencies involved in
9 the administration of the school finance system, shall
10 include the director of the department of audit or his
11 designee, and shall include at least one (1) representative
12 from the independent auditor community within the state.
13 The committee shall meet at least twice annually and at the
14 call of the ~~director~~state superintendent or his designee.
15 The duties of the advisory committee are to:

16

17 (e) The following shall apply:

18

19 (ii) If a district superintendent fails to
20 provide data or reports in compliance with law or rules
21 regarding timeliness, format, completeness or accuracy,
22 without good cause, the ~~director~~state superintendent
23 shall:

1

2 **21-2-204. Wyoming Accountability in Education Act;**
3 **statewide education accountability system created.**

4

5 (c) School level performance shall be determined by
6 measurement of performance indicators and attainment of
7 student performance as specified by this section. To the
8 extent applicable, each measure shall be aggregated to the
9 school level based upon those grades served inclusive to
10 each school as reported by the respective school district
11 to the department of education. The indicators of school
12 level performance shall be:

13

14 (vii) Equity as defined by a measure of academic
15 student growth for nonproficient students in reading and
16 mathematics, subject to a standard for academic progress
17 that is linked to attainment of proficiency within a
18 reasonable period of time. If a school is without a
19 sufficient sequence of assessment scores to support growth
20 computations, another approach to equity may be used
21 subject to approval of the ~~director~~ state superintendent.

22

1 (f) A progressive multi-tiered system of support,
2 intervention and consequences to assist schools shall be
3 established by the ~~director~~ state board, and shall conform
4 to the January 2012 education accountability report as
5 defined by subsection (k) of this section. The system
6 shall clearly identify and prescribe the actions for each
7 level of support, intervention and consequence. Commencing
8 with school year 2014-2015, and each school year
9 thereafter, the ~~director~~ state superintendent shall take
10 action based upon system results according to the
11 following:

12
13 (iv) Schools designated as meeting expectations
14 shall file an improvement plan with the school district
15 superintendent and the department. The plan shall be based
16 upon an evaluation of the strengths and deficiencies of
17 specific indicator scores that identifies appropriate
18 improvement goals with an explanation of the measures and
19 methods chosen for improvement, the processes to be
20 implemented to deliver the improvement measures,
21 identification of relevant timelines and benchmarks and an
22 articulation of the process for measuring success of the
23 methods chosen to increase performance. The ~~director~~ state

1 superintendent shall appoint a representative from the
2 department in accordance with paragraph (vii) of this
3 subsection to monitor the school's progress towards meeting
4 the specified goals and implementation of the processes,
5 measures and methods as contained in the school's plan.
6 The representative shall assist the district, if requested,
7 in identifying and securing the necessary resources to
8 support the goals as stated by the school and the district;

9
10 (v) Schools designated as partially meeting
11 expectations shall file an improvement plan in accordance
12 with paragraph (iv) of this subsection that identifies and
13 addresses all content and indicator areas where performance
14 is below target levels. The ~~director~~state superintendent
15 shall appoint a representative from the department in
16 accordance with paragraph (vii) of this subsection to
17 monitor the school's progress towards meeting the specified
18 goals and implementation of the processes, measures and
19 methods as contained in the school's plan. The
20 representative shall assist the district in identifying and
21 securing the necessary resources to support the goals as
22 stated by the school and the district. Failure to meet
23 improvement goals as specified in the plan for two (2)

1 consecutive years may require that the school be subject to
2 paragraph (vi) of this subsection;

3
4 (vi) Schools designated as not meeting
5 expectations shall file an improvement plan in accordance
6 with paragraph (iv) of this subsection that identifies and
7 addresses all content and indicator areas where performance
8 is below target levels. The ~~director~~state superintendent
9 shall appoint a representative from the department in
10 accordance with paragraph (vii) of this subsection to
11 assist in drafting the improvement plan, including the
12 selection of programs and interventions to improve student
13 performance. The representative shall perform duties as
14 required by paragraph (v) of this subsection. The plan
15 shall be recommended by the school district superintendent
16 and approved by the local board of trustees prior to
17 submission to the department. The plan shall describe the
18 personnel and financial resources within the education
19 resource block grant model as defined by W.S.
20 21-13-101(a)(xiv) necessary for implementation of the
21 measures and methods chosen for improvement and shall
22 specify how resources shall be reallocated, if necessary,
23 to improve student performance. Failure to meet improvement

1 goals as specified in the plan for two (2) consecutive
2 years may be grounds for dismissal of the school principal;

3
4 (vii) A representative shall be appointed by the
5 ~~director~~ state superintendent for all schools designated
6 under paragraphs (iv) through (vi) of this subsection to
7 serve as a liaison between the school district leadership
8 and the department. The representative shall be an
9 employee of the department, an employee of a Wyoming school
10 district or any combination, and may require more than one
11 (1) individual for schools requiring substantial
12 intervention and support. Additionally, one (1)
13 representative may be assigned to more than one (1) school.
14 Among other duties as may be requested by the district or
15 department, the representative shall review and approve
16 improvement plans submitted by schools in accordance with
17 paragraphs (iv) through (vi) of this subsection. Requested
18 resources for improvement plan implementation, or the
19 reallocation of existing resources for plan implementation,
20 shall be based upon a comprehensive review of the available
21 research. Justification for resource allocation or
22 reallocation shall be incorporated within the written
23 improvement plan. The representative shall possess

1 expertise appropriate to particular strategies incorporated
2 within improvement plans to enable necessary plan
3 evaluation, and shall be commensurate with the level of
4 intervention, support and consequences to be administered
5 under this subsection. The ~~director~~state superintendent
6 shall annually report to the state board on the progress of
7 each school in meeting annual goals and overall improvement
8 targets, fully describing the effectiveness and
9 deficiencies of efforts to improve school performance in
10 performance categories prescribed by this section;

11

12 (viii) To the extent permitted by law and rule
13 and regulation, plans submitted in compliance with
14 paragraphs (iii) through (vi) of this subsection shall
15 serve to comply with similar requirements administered by
16 the ~~director~~state superintendent and the department, and
17 the state board shall ensure the plans minimize submission
18 of duplicative information, material and the administrative
19 burdens placed upon schools. All plans submitted under
20 this subsection shall be made available for public
21 inspection through internet access as defined by W.S.
22 9-2-1035(a)(iii);

23

1 (j) Beginning school year 2014-2015, and each school
2 year thereafter, the state board shall through the ~~director~~
3 state superintendent, annually review the statewide
4 education accountability system, including but not limited
5 to a review of the appropriateness of the performance
6 indicators, the measures used to demonstrate performance,
7 the methods used to calculate school performance, the
8 target levels and statewide, district and school attainment
9 of those levels and the system of support, intervention and
10 consequences. Not later than September 1, 2015, and each
11 September 1 thereafter, the state board shall report to the
12 joint education interim committee on the information
13 required under this subsection and the results of the
14 accountability system for each school in the state.

15

16 **21-2-301. Appointment; qualifications, terms and**
17 **removal of members; meetings; chairman.**

18

19 (c) Notwithstanding subsection (a) of this section,
20 the superintendent of public instruction ~~and the director~~
21 shall not participate in board deliberations on or vote on
22 any matter relating to a contested case involving actions
23 of the department of education.

1

2 **21-2-304. Duties of the state board of education.**

3

4 (a) The state board of education shall:

5

6 (i) Establish policies for public education in
7 this state consistent with the Wyoming Constitution and
8 statutes and may promulgate rules necessary or desirable
9 for the proper and effective implementation of this title
10 and its responsibilities under this title. Nothing in this
11 section shall give the state board rulemaking authority in
12 any area specifically delegated to the state
13 superintendent; ~~or the director;~~

14

15 (v) Through the ~~director~~ state superintendent
16 and in consultation and coordination with local school
17 districts, implement a statewide assessment system
18 comprised of a coherent system of measures that when
19 combined, provide a reliable and valid measure of
20 individual student achievement for each public school and
21 school district within the state, and the performance of
22 the state as a whole. Statewide assessment system
23 components shall be in accordance with requirements of the

1 statewide education accountability system pursuant to W.S.
2 21-2-204. Improvement of teaching and learning in schools,
3 attaining student achievement targets for performance
4 indicators established under W.S. 21-2-204 and fostering
5 school program improvement shall be the primary purposes of
6 statewide assessment of student performance in Wyoming.
7 The statewide assessment system shall:

8
9 (vi) Subject to and in accordance with W.S.
10 21-2-204, through the ~~director~~ state superintendent and in
11 consultation and coordination with local school districts,
12 by rule and regulation implement a statewide accountability
13 system. The accountability system shall include a
14 technically defensible approach to calculate achievement,
15 growth, readiness and equity as required by W.S. 21-2-204.
16 The state board, ~~through the director,~~ shall establish
17 performance targets as required by W.S. 21-2-204(e),
18 establish a progressive multi-tiered system of supports,
19 interventions and consequences as required by W.S.
20 21-2-204(f) and shall establish a statewide reporting
21 system pursuant to W.S. 21-2-204(h). The system created
22 shall conform to the January 2012 education accountability
23 report as defined by W.S. 21-2-204(k). In addition and for

1 purposes of complying with requirements under the federal
2 No Child Left Behind Act of 2001, the board shall by rule
3 and regulation provide for annual accountability
4 determinations based upon adequate yearly progress measures
5 imposed by federal law for all schools and school districts
6 imposing a range of educational consequences and supports
7 resulting from accountability determinations;

8

9 (b) In addition to subsection (a) of this section and
10 any other duties assigned to it by law, the state board
11 shall:

12

13 (ii) Enforce the uniform state educational
14 program standards imposed by W.S. 21-9-101 and 21-9-102 and
15 the uniform student content and performance standards
16 established by rules and regulations adopted under
17 subsection (a) of this section, together with student
18 performance indicators established and measured pursuant to
19 W.S. 21-2-204, by taking appropriate administrative action
20 with the ~~director~~ state superintendent, including but not
21 limited to the changing of accreditation status;

22

1 (xvii) Through the ~~director~~state
2 superintendent, implement, administer and supervise
3 education programs and services for adult visually
4 handicapped and adult hearing impaired persons within the
5 state.

6

7 **21-2-306. Reports of state superintendent and state**
8 **board.**

9

10 The state superintendent, ~~the director~~ and the state board
11 shall, in accordance with W.S. 9-2-1014, report to the
12 governor and recommend such legislation concerning
13 education and appropriations for educational activities as
14 they may deem appropriate.

15

16 **21-2-502. Duties of school districts; interdistrict**
17 **contracts; assistance of state superintendent; attendance**
18 **beyond school age.**

19

20 (a) Each school district of this state having any
21 school age children residing in the district who possess
22 any of the disabilities covered under this article shall,
23 subject to the rules and regulations of the ~~director~~state

1 superintendent, provide for the appropriate diagnosis,
2 evaluation, education or training and necessary related
3 services and may include, but is not limited to room and
4 board, for those children. If the school district is unable
5 to provide the necessary and appropriate programs and
6 services, it shall contract with another school district or
7 agency to obtain them. If the programs and services cannot
8 reasonably be provided by the district or by interdistrict
9 contracts, the ~~director~~ state superintendent shall assist
10 local boards of trustees in arranging for the appropriate
11 educational programs and services either within or without
12 the state pursuant to its rules and regulations and
13 financed as provided by law.

14

15 **21-2-701. Definitions.**

16

17 (a) As used in this act:

18

19 (ii) "Preschool children with disabilities"
20 means any children three (3) through five (5) years of age
21 in the state of Wyoming having a mental, physical or
22 psychological disability which impairs learning, subject to

1 rules and regulations of the ~~director of the department of~~
2 ~~education~~ state superintendent;

3
4 **21-2-703. Superintendent duties; division duties.**

5
6 (a) The ~~director~~ state superintendent shall:

7
8 (b) The division in carrying out its duties as an
9 intermediate educational unit, shall:

10
11 (iii) Administer the rules and regulations
12 promulgated by the ~~director~~ state superintendent under this
13 act.

14
15 (c) The ~~director~~ state superintendent and the
16 administrator of the division shall enter an interagency
17 agreement which shall define the duties of the division and
18 the ~~director~~ superintendent.

19
20 **21-2-802. Powers and duties; teacher certification;**
21 **suspension and revocation; certification fees; disposition**
22 **of collected fees; required data submissions to department**
23 **of education.**

1

2 (m) In accordance with criteria and guidelines
3 established by the ~~director of the department of education~~
4 state superintendent of public instruction, the board shall
5 submit data elements collected from school administrators,
6 teachers and other school district personnel certified
7 under this article to the department of education for
8 housing in the department's data base repository.

9

10 **21-3-110. Duties of boards of trustees.**

11

12 (a) The board of trustees in each school district
13 shall:

14

15 (i) Prescribe and enforce rules, regulations and
16 policies for its own government and for the government of
17 the schools under its jurisdiction. Rules and regulations
18 shall be consistent with the laws of the state and rules
19 and regulations of the state board, ~~the director~~ and the
20 state superintendent and shall be open to public
21 inspection;

22

1 (v) Submit reports concerning finances or any
2 other matter as the state board, state superintendent,~~the~~
3 ~~director~~ or state law may require;

4
5 (xxii) In accordance with guidelines established
6 by the state superintendent under W.S. ~~21-2-201(c)(v)~~
7 21-2-202(a)(xxii), implement standards for the storage and
8 disposal of toxic chemicals and other hazardous substances
9 used by schools within the district for educational
10 programs;

11
12 (xxviii) Annually report to the ~~director~~ state
13 superintendent on district expenditures for career-
14 vocational education programs, broken down by school, and
15 submitted in a manner and form required by rule and
16 regulation of the ~~director~~ state superintendent;

17
18 (xxix) Beginning in school year 2012-2013, and
19 each school year thereafter, administer a program where all
20 students enrolled in the eleventh and twelfth grades in the
21 district shall be required to take or be provided the
22 opportunity to take, on a date specified by the ~~director of~~
23 ~~the department of education~~ state superintendent, a

1 standardized, curriculum based, achievement college
2 entrance examination, a computer-adaptive college placement
3 assessment or a jobs skills assessment test in accordance
4 with W.S. 21-2-202(a)(xxx). Each school district shall
5 provide the opportunity for all home school and private
6 school students in the eleventh and twelfth grades and
7 residing within the district to take the examinations or
8 the jobs skills assessment test at no cost to the student
9 on the same date administered to all eleventh and twelfth
10 grade public school students in the state. The results of
11 the examinations or jobs skills assessment test taken shall
12 be included in each student's transcript;

13

14 (xxxi) Not later than December 31, 2011, a adopt a
15 policy and training procedures regarding the use of
16 seclusion and restraint in schools. In addition to any
17 requirements provided by rule and regulation of the state
18 superintendent pursuant to W.S. ~~21-2-201(c)(iii)~~
19 21-2-202(a)(xxxii), the policy shall require that the
20 parent or legal guardian of the student shall be notified
21 each time that seclusion or restraint is utilized for the
22 student. The policy shall prohibit the use of locked
23 seclusion. The policy shall not be limited to any

1 specified group of students and shall apply any time that
2 seclusion or restraint is used for any student. The
3 district shall submit a copy of the policy to the state
4 superintendent for review as provided in W.S.
5 ~~21-2-201(c)(iii)~~ 21-2-202(a)(xxxii), after the initial
6 adoption of the policy and any time thereafter that the
7 policy is substantially revised. As used in this paragraph:

8
9 **21-3-117. Duties of clerk of school district.**

10
11 (a) The clerk of each school district within the
12 state shall:

13
14 (i) Within thirty (30) working days after the
15 close of each fiscal year, submit all fiscal reports to the
16 ~~director~~ state superintendent of public instruction for the
17 past fiscal year. The reports shall contain information
18 required by the ~~director~~ state superintendent. A copy of
19 the reports shall also be filed with the county clerk of
20 each county in which the school district is located;

21
22 (ii) Cause to be filed copies of all reports
23 made to the ~~director~~ state superintendent and all papers

1 transmitted to him by school officers or other persons
2 pertaining to the business of the district. After two (2)
3 years have elapsed from the date of filing, microfilm
4 copies may be treated as originals;

5

6 **21-3-314. Students counted among district ADM;**
7 **determination of charter school funding.**

8

9 (a) ~~The director of the state department of education~~
10 ~~shall administer the education resource block grant model~~
11 ~~and perform the duties prescribed under this statute.~~ Each
12 student attending a charter school shall be counted among
13 the average daily membership of the school district in
14 which the school is located and the school shall be
15 included in the district's configuration of schools
16 reported to the ~~director~~ state superintendent under W.S.
17 21-13-309(m)(iv). Average daily membership of the charter
18 school shall be calculated as follows:

19

20 **21-3-401. Reading assessment and intervention.**

21

22 (d) The ~~director~~ state superintendent, in
23 consultation with Wyoming school districts, professionals

1 in the area of dyslexia and other reading difficulties, and
2 other appropriate stakeholders, shall promulgate rules and
3 regulations as necessary to administer the reading
4 assessment and intervention program pursuant to this
5 statute.

6

7 **21-4-401. Transportation or maintenance for isolated**
8 **pupils.**

9

10 (b) The ~~director~~state superintendent shall adopt
11 reasonable rules and regulations pertaining to residence
12 requirements establishing eligibility under this section
13 and for provision of tuition and transportation or
14 maintenance. No person is eligible as an isolated pupil
15 under this section unless the pupil's parents or legal
16 guardians demonstrate to the local school board that the
17 family's residing in the isolated location is necessary for
18 the family's financial well being. The burden shall be on
19 the parent or guardian to demonstrate that the family's
20 residing in the isolated location is necessary for the
21 family's financial well being. The final decision as to
22 eligibility shall be made by the district board of
23 trustees.

1

2 **21-4-601. Education programs on the Wind River Indian**
3 **Reservation.**

4

5 (b) Subject to amounts appropriated by the
6 legislature, the ~~director~~state superintendent of public
7 instruction shall enter into negotiations with the
8 individual or joint business councils of the Eastern
9 Shoshone and Northern Arapaho Indian Tribes to determine
10 the appropriate contractual arrangements for the provision
11 of education programs and services addressing Indian
12 students at risk of failure in school and other programs
13 and services essential to the success and welfare of these
14 students as specified under subsection (a) of this section.
15 Contractual arrangements entered into under this subsection
16 shall include a requirement that the expenditure of
17 contractual amounts, as verified annually in writing, is
18 for programs tied to improvement of student performance on
19 the statewide assessment. For purposes of this section, the
20 ~~director~~state superintendent shall include an amount
21 within his biennial budget request which is computed in
22 accordance with subsection (c) of this section to provide a
23 per student amount that when nonstate funding sources are

1 considered, is comparable to per student amounts provided
2 for public schools under the Wyoming education resource
3 block grant model.

4

5 (d) The joint business council of the Eastern
6 Shoshone and the Northern Arapaho Indian Tribes shall
7 annually report to the governor, the ~~director~~state
8 superintendent of public instruction, the joint education
9 interim committee and the select committee on tribal
10 relations on the expenditure of contractual amounts as
11 required under subsection (b) of this section.

12

13 **21-6-219. Adjustment of state foundation entitlement.**

14

15 (a) When two (2) or more districts or parts of
16 districts are organized into a school district and the
17 total fiscal resources of the new school district are less
18 than the combined fiscal resources of the districts the
19 last year before organization, then the ~~director~~state
20 superintendent shall adjust the state foundation
21 entitlement to compensate for the differences in fiscal
22 resources. The adjustment shall be equal to one hundred
23 percent (100%) of the initial difference in each of the

1 first two (2) fiscal years after the new organization,
2 fifty percent (50%) of the initial difference in the third
3 fiscal year and twenty-five percent (25%) of the initial
4 difference in the fourth fiscal year. The adjustment shall
5 also provide reimbursement for expenses incurred by the
6 school districts involved in the new organization. Expenses
7 which are reimbursable shall be determined in accordance
8 with rules adopted by the ~~director~~state superintendent,
9 shall not exceed one hundred thousand dollars
10 (\$100,000.00), and shall be paid in equal amounts over a
11 period not to exceed three (3) fiscal years.

12

13 (b) When any district consolidates two (2) or more
14 schools within the district and the total state aid to the
15 district would decrease because of the consolidation, the
16 ~~director~~state superintendent shall adjust the state
17 foundation entitlement to compensate for the decrease for
18 not more than one (1) year.

19

20 **21-13-101. Definitions.**

21

22 (a) As used in this chapter:

23

1 (xiv) "Education resource block grant model"
2 means the block grant model for Wyoming school finance
3 contained within the enumeration of model components
4 summarizing and executing recommendations within the 2010
5 cost of education study as referenced in paragraph (xvii)
6 of this subsection and model spreadsheets provided by the
7 consultant performing the 2010 cost of education study, all
8 of which are enacted into law, on file with the secretary
9 of state and are maintained and made available for public
10 inspection by the ~~director~~state superintendent under W.S.
11 21-2-202(e), and as may be subsequently modified by the
12 legislature prior to future model recalibration required
13 under W.S. 21-13-309(t);

14

15 **21-13-102. Maximum rate of school district tax;**
16 **recapture of excess; equalization of permissive levies.**

17

18 (e) Annually on or before August 15 the department
19 shall notify each district subject to recapture of the
20 estimated amount due to the state during the current fiscal
21 year, using data from the previous school year. Upon
22 receipt of the state assessed values by school districts,
23 and not later than March 1 of the current fiscal year, the

1 department shall certify to each district subject to
2 recapture the amount of recapture for the fiscal year to be
3 remitted to the state. The amount certified shall
4 supersede the estimates certified on or before August 15.
5 If a district can demonstrate financial inability to make
6 payments to the state as provided in subsection (b) of this
7 section, the ~~director~~superintendent of public instruction
8 may adjust the schedule of payments provided by subsection
9 (b) of this section if the financial integrity of the
10 foundation program will not be jeopardized.

11

12 **21-13-306. Foundation program account established;**
13 **disposition of monies.**

14

15 (b) Within the limits of legislative appropriation,
16 if any, the resources of the public school foundation
17 account shall be paid into the state treasury and shall be
18 drawn out and distributed to the districts upon
19 certification of the ~~director~~state superintendent and upon
20 vouchers approved by the state auditor payable to the
21 treasurer of the several districts.

22

1 **21-13-307. Eligibility to share in distribution of**
2 **money from foundation account; mandatory financial**
3 **reporting.**

4

5 (a) Each district which meets the following
6 requirements is eligible to share in the distribution of
7 funds from the foundation account:

8

9 (ii) Operated all schools for a term of at least
10 one hundred eighty-five (185) days or the number of days or
11 equivalent hours authorized under an alternative schedule
12 approved by the state board during the previous school
13 year. If the school term of any school in a district was
14 less than one hundred eighty-five (185) days or less than
15 the total number of days authorized under an alternative
16 schedule approved by the state board, the amount allotted
17 per average daily membership (ADM) under W.S. 21-13-309 for
18 the school shall be in proportion to the length of the term
19 the school actually operated, unless caused by closures of
20 schools:

21

22 (B) Whenever necessary to protect the
23 health, safety or welfare of students, teachers and other

1 employees and closures are approved by the ~~director~~state
2 superintendent or are the result of presidential or
3 gubernatorial executive orders.

4

5 (iii) Furnishes to the ~~director~~state
6 superintendent statistical data and information as
7 reasonably required to compute a district's entitlement to
8 share in the foundation account and the extent of the
9 entitlement;

10

11 (iv) The district shall provide evidence to the
12 ~~director~~state superintendent that the district has
13 maintained an average student-teacher ratio of not greater
14 than sixteen (16) to one (1) for the aggregate of all
15 classes in kindergarten through grade three (3) in the
16 district in the preceding school year. The requirement of
17 this paragraph may be waived by the department of education
18 for any district that demonstrates insufficient school
19 facility capacity, positive school performance, positive
20 student achievement or for other reasons related to the
21 delivery of the education program to students. This
22 paragraph shall not apply to charter schools established
23 under W.S. 21-3-301 through 21-3-314 or schools designated

1 as exceeding expectations pursuant to W.S.
2 21-2-204(e) (i) (A). Schools designated as exceeding
3 expectations pursuant to W.S. 21-2-204(e) (i) (A) shall
4 notify the department annually of the student teacher
5 ratios for the aggregate of all classes in kindergarten
6 through grade three (3) in the district in the preceding
7 year. The department shall compute the student-teacher
8 ratio and report it to each district not later than March 1
9 of each year. To obtain a waiver under this paragraph, a
10 school district shall apply to the department not later
11 than March 15 of each year. The application shall be based
12 on the student-teacher ratio reported by the department of
13 education, together with any other information required by
14 the department. The department shall approve or deny an
15 application for a waiver under this paragraph not later
16 than April 10 of that year. A waiver approved under this
17 paragraph shall be effective for the school year
18 immediately following the application and approval.

19

20 (b) Each district shall provide financial reports to
21 the department on forms and in such manner required by the
22 department under W.S. 21-2-203 and by rules and regulations
23 promulgated by the ~~director~~ state superintendent of public

1 instruction pursuant to this article. In administering this
2 article, the ~~director~~state superintendent may conduct
3 audits of information submitted by districts under this
4 article as necessary to administer and perform computations
5 pertaining to the cost components within the education
6 resource block grant model, and may, after consulting and
7 negotiating with the school district, correct the
8 information reported by districts under this article to
9 fairly and accurately reflect the data type, classification
10 and format necessary to perform computations required to
11 administer the school finance system established under this
12 article.

13

14 **21-13-309. Determination of amount to be included in**
15 **foundation program for each district.**

16

17 (m) In determining the amount to be included in the
18 foundation program for each district, the ~~director~~state
19 superintendent shall:

20

21 (v) Based upon ADM computations and identified
22 school configurations within each district pursuant to
23 paragraph (iv) of this subsection, compute the foundation

1 program amount for each district as prescribed by the
2 education resource block grant model adopted by the Wyoming
3 legislature as defined under W.S. 21-13-101(a)(xiv), as
4 contained within the spreadsheets and accompanying reports
5 referenced under W.S. 21-13-101(a)(xvii), on file with the
6 secretary of state and maintained by the ~~director~~state
7 superintendent pursuant to W.S. 21-2-202(e). The following
8 criteria shall be used by the ~~director~~state superintendent
9 in the administration of the education resource block grant
10 model:

11

12 (B) Alternative schools qualifying for
13 separate consideration under the education resource block
14 grant model may be established by a school district for
15 offering educational programs to students with educational
16 needs which the district finds are not appropriately met by
17 other schools in the district, excluding charter schools
18 established under W.S. 21-3-301 through 21-3-314.
19 Alternative schools included within a district's
20 configuration of schools identified under paragraph (iv) of
21 this subsection shall for purposes of the education
22 resource block grant model:

23

1 (III) Unless otherwise authorized by
2 the ~~director~~state superintendent, be restricted to not
3 more than one (1) alternative school within any school
4 district;

5
6 **21-13-310. Annual computation of district revenues.**

7
8 (b) On or before July 10 of each year the county
9 treasurer of each county shall certify to the ~~director~~
10 state superintendent, in such form as the ~~director~~state
11 superintendent shall provide, a report of monies
12 distributed by him to each district within the county
13 during the previous school year.

14
15 **21-13-312. Prorating payments when income from**
16 **foundation account insufficient.**

17
18 (a) To preserve the integrity of the foundation
19 account for the biennium and so that payments can be made
20 during the full school year for each year of the biennium,
21 if it appears to the ~~director~~state superintendent that the
22 income available to the foundation program account is not
23 sufficient to meet the payments as provided by law:

1

2 (i) The ~~director~~state superintendent shall
3 determine a uniform percentage by which the amount
4 guaranteed to each district under W.S. 21-13-309 shall be
5 reduced so that available revenues in the foundation
6 program account for that school year are as nearly as
7 possible equal to the amount necessary to fund payments to
8 districts under W.S. 21-13-313; and

9

10 **21-13-313. Distribution of funds from foundation**
11 **account; property tax and cash reserve adjustment;**
12 **regulations.**

13

14 (a) For each school year the state auditor, on the
15 certification of the ~~director~~state superintendent, shall
16 draw warrants on the state treasurer for the amount of
17 money which shall be distributed to each district from the
18 foundation account as computed under W.S. 21-13-311. The
19 warrants, payable to the treasurer of the district
20 concerned, shall be delivered to the ~~director~~state
21 superintendent for distribution to the several school
22 districts.

23

1 (b) The ~~director~~state superintendent shall determine
2 on or before August 15 of each year the tentative allotment
3 of foundation funds to which each district is entitled
4 under this article. In making this determination, the
5 ~~director~~state superintendent may, if current fiscal
6 information required by law to compute the tentative
7 allotment is not available for any district by August 1 of
8 that year, use fiscal information available to the ~~director~~
9 state superintendent from the foundation program
10 computations of the previous school year for that district.
11 The previous year's fiscal information shall be adjusted to
12 reflect current fiscal changes and other information known
13 by or available to the ~~director~~state superintendent. Upon
14 receiving actual fiscal information from a district, the
15 ~~director~~state superintendent shall accordingly adjust
16 future foundation program determinations for that district
17 such that foundation program payments appropriately reflect
18 current fiscal information for the applicable school year.

19

20 (c) Fifteen percent (15%) of each district's
21 entitlement shall be paid to the district on or before
22 August 15 of each year and subject to any adjustment under
23 subsections (d) and (e) of this section, ten percent (10%)

1 of each district's entitlement shall be paid on or about
2 the fifteenth day of each month through April of each year.
3 The final payment for the balance of each district's
4 entitlement shall be distributed on or before May 15 of
5 each year. If, after March 1 and before April 1, the
6 ~~director~~ state superintendent determines that the
7 entitlement to be paid to a district for that school year
8 is not accurate, the ~~director~~ state superintendent shall
9 adjust payments to or payments from that district as
10 necessary to correct the inaccuracy as soon as practicable.
11 Except as provided under W.S. 21-2-202(e), after March 31
12 of any school year, the ~~director~~ state superintendent shall
13 not adjust any district's entitlement or fiscal information
14 used to compute a district's entitlement for that school
15 year, and the entitlement or fiscal information shall only
16 be adjusted thereafter in accordance with audit review
17 pursuant to W.S. 9-1-513.

18

19 (g) In addition to subsections (b) and (c) of this
20 section, the ~~director~~ state superintendent shall, for any
21 district subject to W.S. 21-13-102(b) as determined by the
22 department for any school year, or for any district not
23 subject to W.S. 21-13-102(b) whose entitlement amount

1 determined under W.S. 21-13-311(a) for any school year is
2 equal to or less than twenty percent (20%) of the
3 foundation program amount computed under W.S. 21-13-309(p),
4 and upon demonstration by the district of financial need as
5 documented by cash flow analysis, provide payments from the
6 school foundation program account in an amount not to
7 exceed one-fifth (1/5) of the foundation program amount
8 computed for that district for that school year in
9 accordance with W.S. 21-13-309. The computed amount shall
10 be paid to each eligible district on or before September 1
11 based upon tentative computations under W.S. 21-13-309, for
12 which the department may use fiscal information available
13 from foundation program computations for the previous
14 school year in the manner provided under subsection (b) of
15 this section. Any district receiving a payment under this
16 subsection and repaying the foundation program account by
17 December 15 of that school year shall not be assessed
18 interest. After December 15, the district shall be
19 assessed interest at a rate equal to the rate specified by
20 W.S. 21-13-316(a) until the payment is repaid in full. In
21 no event shall an advance payment under this subsection
22 extend beyond and remain unpaid by any district, including
23 interest, on and after June 15 of that school year.

1

2 **21-15-113. School facilities commission; membership;**
3 **conflict of interest; terms; chairman; meetings;**
4 **compensation.**

5

6 (a) The school facilities commission is established
7 to consist of ~~nine (9)~~ eight (8) members comprised of the
8 state superintendent of public instruction, ~~and the~~
9 ~~director of the department of education,~~ who shall serve in
10 an ex-officio, nonvoting capacity, and seven (7) members
11 who are Wyoming residents appointed by the governor with
12 one (1) member appointed from each of the seven (7)
13 appointment districts designated in W.S. 9-1-218(b). Four
14 (4) of the appointees shall have knowledge and experience
15 in the following areas:

16

17 **21-17-201. Composition; appointment and**
18 **qualifications of members generally; members ex officio;**
19 **quorum.**

20

21 The government of the university is vested in a board of
22 twelve (12) trustees appointed by the governor, no two (2)
23 of whom may be residents of the same county of the state.

1 At least one (1) trustee shall be appointed from each
2 appointment district pursuant to W.S. 9-1-218. Not more
3 than seven (7) members of the board shall be registered in
4 the same political party. The governor, the president of
5 the university, the state superintendent of public
6 instruction, ~~the director of the department of education~~
7 and the president of the associated students of the
8 university are members ex officio, having the right to
9 speak, but not to vote. A majority of the board is a
10 quorum.

11

12 **21-18-201. Community college commission; created;**
13 **composition; removal.**

14

15 (c) The governor, ~~the director of the department of~~
16 ~~education~~ and the state superintendent of public
17 instruction are ex officio nonvoting members of the
18 commission.

19

20 **31-5-118. Regulations relative to school buses.**

21

22 (a) The ~~director of the department of education~~ state
23 superintendent of public instruction shall adopt and

1 enforce regulations not inconsistent with this act to
2 govern the design and operation of all school buses used
3 for the transportation of school children when owned and
4 operated by any school district or privately owned and
5 operated under contract with any school district in this
6 state and the regulations shall by reference be made a part
7 of any contract with a school district. Every school
8 district, its officers and employees, and every person
9 employed under contract by a school district shall be
10 subject to the regulations.

11

12 **Section 2.** W.S. 21-2-202(a)(xxii), (xxxii) and
13 (xxxiii) as repealed by 2013 Wyoming Session Laws, Chapter
14 1, Section 3, are recreated to read:

15

16 **21-2-202. Duties of the state superintendent.**

17

18 (a) In addition to any other duties assigned by law,
19 the state superintendent shall:

20

21 (xxii) In consultation with the department of
22 environmental quality and school districts, establish
23 guidelines for school districts for the proper and safe

1 storage and disposal of toxic chemicals and other hazardous
2 substances used by schools in educational programs;

3
4 (xxxii) By rule and regulation, establish
5 requirements for school district policies and training
6 regarding the use of seclusion and restraint in schools as
7 required under W.S. 21-3-110(a)(xxxi). The state
8 superintendent shall review the policy of each district for
9 compliance with the requirements of W.S. 21-3-110(a)(xxxi)
10 and rules and regulations promulgated pursuant to this
11 paragraph. If the state superintendent determines that the
12 policy is not in compliance under this paragraph the
13 superintendent shall direct the board of trustees to revise
14 the policy and shall, upon request, assist the board in the
15 adoption of the policy;

16
17 (xxxiii) To assist local school districts in
18 developing protocols under W.S. 21-3-110(a)(xxxii) and in
19 sufficient time to enable school districts to adopt and
20 implement protocols commencing school year 2011-2012,
21 develop model protocols for addressing risks associated
22 with concussions and other head injuries resulting from

1 athletic injuries. No district shall be required to adopt
2 any part of the model protocols;

3
4 **Section 3.** W.S. 21-2-201(b) and (c)(vi) is renumbered
5 as 21-2-202(f) and further amended to read:

6
7 **21-2-202. Duties of the state superintendent.**

8
9 (f) Not later than October 15 each year, the state
10 superintendent shall prepare a report on the general status
11 of all public schools for the legislature. The report shall
12 include the quality of education including any proposed
13 improvement to address any shortfalls, the relevance of
14 education, the measurement of achievement of educational
15 goals, the improvement of learning and any suggested
16 innovations in education. The state superintendent shall
17 identify professional development needs for Wyoming schools
18 and teachers based upon the analysis of the quality
19 indicators specified under this subsection, establish a
20 plan to address the professional development needs,
21 contract with necessary expertise to provide professional
22 development to Wyoming certified teachers and conduct up to

1 five (5) regional workshops each year providing the
2 identified professional development needs.

3
4 **Section 4.** W.S. 21-1-103(a)(iii), 21-1-104 and
5 21-2-201(b) and (c) are repealed.

6
7 **Section 5.** 2011 Wyoming Session Laws, Chapter 184,
8 Section 4(d)(vii) as amended by 2013 Wyoming Session Laws,
9 Chapter 195, Section 3 is amended to read:

10
11 **Section 4.**

12
13 (d) The select committee on statewide
14 education accountability shall be assisted by an
15 advisory committee to provide information to the
16 select committee as it deems necessary to carry
17 out this section. The advisory committee shall
18 consist of the following members:

19
20 (vii) A representative of the
21 department of education designated by the
22 ~~director of the department~~ state superintendent
23 of public instruction;

1

2 **Section 6.** To the extent the provisions of this act
3 conflict with provisions enacted prior to the effective
4 date of this act and relate to the charge of the state
5 superintendent of public instruction to generally supervise
6 education as provided herein, the provisions of existing
7 law are superseded by this act as enacted into law and this
8 act shall prevail.

9

10 **Section 7.** This act is effective immediately upon
11 completion of all acts necessary for a bill to become law
12 as provided by Article 4, Section 8 of the Wyoming
13 Constitution.

14

15

(END)